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GROUP 1600

	NAME	FAX	PHONE	
то	Examiner Phuong N. Huynh United States Patent and Trademark Office	(703) 308-4315		·,

FROM David Maher

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PAGES (INCLUDING THIS COVER PAGE): 10

RE Restriction Election Facsimile Transmittal

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# RESTRICTION ELECTION FACSIMILE TRANSMISSION

DATE: November 4, 2002

FROM/ATTORNEY: David W. Maher

FIRM: Bingham McCutchen LLP

PAGES, INCLUDING COVERSHEET: 9

PHONE NUMBER: (650) 849-4908

TO EXAMINER: Phuong N. Huynh

ART UNIT: 1644

SERIAL NUMBER: 09/966,561

FAX/TELECOPIER NUMBER: (703) 308-4315

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Patent 13761-7030

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

	In re App	lication of:	)	
	Miller, et al. ) Serial No.: 09/966,561 ) Filed: September 27, 2001		) Group Art Unit: 1644 )	
			Examiner: Phuong N. Huynh  FAX RECEIVED	
			NOV 0 5 2002	
	DISORD	EATING NEUROLOGICAL ERS USING HUMAN OSIS INHABITING PROTEIN	GROUP 1800	
	RI	ESPONSE TO RESTRICTION RE	QUIREMENT TRANSMITTAL	
	<del>-</del>	ner for Patents , D.C. 20231		
	Sir:			
	1.	Documents enclosed:	· ·	
•		smitted herewith in response to Office fied application, are the following:	e Action, mailed 07/02/2002, for the	
•	$\boxtimes$	Response to Restriction Requirement	ent (6 pages)	
		Transmittal with certificate of mai	ling (2 pages)	
		CERTIFICATE OF FACSIM (37 C.F.R. §1		
11/1A/2002 GNUU	fax on the date		s being attached or enclosed) is being transmitted via s fax number (703) 308.4315 addressed to the	
01 FC:2254	720.00 CH	C07700361	Corolin Taking	
			Carolyn Tobias  Name of Person transmitting Paper	
	November 4, 2	002	Cayalum Fabras	
		of facsimile transmission	Signature of Person transmitting Paper	

18:14 FAX

PATENT 13761-7030

# 2. Request f r EXTENSION of Time:

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

	EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY	ſ
	one month	\$55.00	\$110.00	
	two months	\$200.00	\$400.00	
	three months	\$460.00	\$920.00	
X	four months	\$720.00	\$1,440.00	
	five months	\$980.00	\$1,960.00	
			Fee \$720.00	

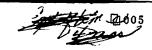
☑ If any extension fee is required, please consider this a petition therefor.

		• •		
	3.	Method of Payment of fee:		
		Check in the amount of \$ is enclosed to cover the above fee(s).		
		Charge Bingham McCutchen's Deposit Account No. 50-1192 in the amount of \$720.00.		
×		The Commissioner is authorized to charge Bingham McCutchen's Deposit Account No. 50-1192 for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. 50-1192.		
		Respectfully submitted,		
		BINGHAM McCUTCHEN LLP		

David W. Maher, Reg. No. 40,077

BINGHAM McCUTCHEN LLP Three Embarcadero, Suite 1800 San Francisco, CA 94111-4067 (650) 849-4400

Dated: November 4, 2002



Docket No. 13761-7030



#### Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner Phuong N. Huynh at Facsimile No. (703) 308-4315 at Exp. in.

Dated: November 4, 2002

Name of Person Certifying: \_

Printed Name: Carolyn Tobias

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Miller, et al.

Assignee:

University of Southern

California

Filing Date:

September 27, 2001

Examiner:

Phuong N. Huynh

Serial No.:

09/966,561

Title:

Group Art Unit: 1644

TREATING NEUROLOGICAL DISORDERS USING HUMAN

APOPTOSIS INHIBITING PROTEIN

Commissioner for Patents Washington, D.C. 20231

## RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Office Action dated June 4, 2002. This response is accompanied by a petition for a 4 month extension of time to extend the period to respond to the Office Action to November 4, 2002 and the appropriate fee under 37 C.F.R. § 1.16 and § 1.17. Accordingly this response is timely filed.

### IN THE CLAIMS

The following is a clean version of the entire set of pending claims. In accordance with 37 CFR 1.21(c)(1)(ii), attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached pages are captioned "Version with markings to show changes made."

- 1. (Amended) A method of treating a neurological disorder in a human patient which comprises administering to said human patient an effective amount of a polypeptide comprising a sequence substantially equivalent to SEQ ID NO: 2.
- 2. (Amended) The method of claim 1 wherein the polypeptide is administered in a composition further comprising a pharmaceutically acceptable carrier.